

DEPARTMENT OF BENEFIT PAYMENTS

214 P Street, Sacramento, CA 95814



August 12, 1975

ALL-COUNTY LETTER NO. 75-169

TO: ALL COUNTY WELFARE DIRECTORS

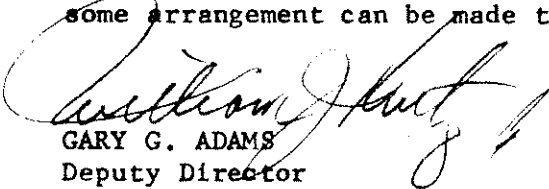
SUBJECT: CHANGE IN FEDERAL REPORTING REQUIREMENTS

REFERENCE:

For the past several years the Department of Health, Education and Welfare (DHEW) has allowed the Department to use estimates in its quarterly reporting of expenditures. On June 18, 1975, we were notified, through instructions from SRS Region IX Commissioner, Charles W. Goady, that beginning with the July/September quarter, FY 75/76, DHEW will only accept actual expenditures on the "Quarterly Statement of Expenditures" (SRS-OA 41). The report, when submitted, becomes the "base expenditure" used to develop the State's subsequent grant.

Based on this new requirement, it is extremely important that all county expenditure reports be submitted in accordance with the due dates stated in the State Fiscal Manual. As part of these new reporting requirements, the Department will conduct a study within the counties to determine the reasonableness of the existing due dates. The results of our study will be discussed at a future CWDA meeting.

If, for any reason, you find that you are unable to meet the report due dates, please contact Bob Cartago, Claims Audit and Control (916-445-0480), so that some arrangement can be made to insure adequate funding from DHEW.



GARY G. ADAMS
Deputy Director

cc: CWDA

GEN 654 (2/75)

PLAN OF COOPERATION

I PURPOSE

The following is the Plan of Cooperation entered into between _____ County District Attorney and the California State Department of Benefit Payments, for the coordination of their respective efforts and delineation of responsibilities.

The purpose of this Plan is to establish procedures and standards for the securing of financial support for minor children, including, but not limited to, location of absent parents, determination of paternity of children born out of wedlock, establishment of support obligations, determination of the absent parents' ability to support their minor children, and enforcement of the support obligation.

II CONFIDENTIALITY

The use or disclosure of information concerning applicants and recipients will be limited to courts, law enforcement officials, and other public officials who require such information in connection with the enforcement of child support, the determination of paternity, and the investigation and prosecution of welfare fraud. Such information shall be used only for purposes directly connected with the administration of the state plan for establishing paternity and enforcing child support, including establishing eligibility; determining amounts of assistance; identifying and locating putative or deserting parents; establishing paternity; enforcing support obligations; investigating and prosecuting welfare fraud; and any

investigation, prosecution, or criminal or civil proceeding, conducted in connection with the administration of the state plan.

No information shall be disclosed to any committee or legislative body which identifies any applicant or recipient of public assistance by name or address.

III ORGANIZATION

THE DEPARTMENT OF BENEFIT PAYMENTS shall be the single organizational unit whose duty it shall be to administer, supervise and monitor the state plan for securing child support and determining paternity. The Department shall be responsible and accountable for the statewide operation of the program and shall take such steps as are provided by law and regulation to ensure that all such functions are being carried out properly, efficiently and effectively.

THE DISTRICT ATTORNEY shall maintain a single organizational unit which shall have responsibility for promptly and effectively enforcing the obligation of parents to support their children and determining paternity in the case of a child born out of wedlock.

THE DISTRICT ATTORNEY may enter into cooperative arrangements with other county departments, upon approval of the Department of Benefit Payments, to carry out the following responsibilities: (1) intake, and

activities associated with initial child support case opening,
(2) collection functions and accounting for monies, and
(3) probation. No functions may be delegated by the district attorney if such functions are to be performed by caseworkers who are also performing the assistance payments or social services functions under title IV-A or XX of the Social Security Act. If such a delegation of duties is made, the district attorney shall be responsible and accountable for the execution of such duties within the county, and shall ensure that all such functions are being carried out properly, efficiently and effectively.

IV STANDARDS

THE DEPARTMENT OF BENEFIT PAYMENTS shall maintain an organizational structure and sufficient staff to administer and supervise all of the functions for which it is responsible under the State Plan.

THE DISTRICT ATTORNEY shall maintain an organizational structure and sufficient staff to provide for the following child support enforcement functions: intake and activities associated with initial case opening; establishing the legal obligation to support, including determination of paternity when necessary; locating the absent parent; activities related to determining an absent parents' ability to provide support; determining an absent parents' support obligation, including methods and terms of payment; administration or supervision of activities related to monitoring

payment activities and processing cash flow; enforcing collection of support, including but not limited to contempt proceedings, wage assignments, obtaining garnishment orders, attaching real and personal property, criminal prosecution and executing judgments; and necessary investigation activities.

There shall be the following types of staff in sufficient numbers to achieve the standards for an effective program: (1) attorneys or prosecutors to represent the agency in court or administrative proceedings with respect to the establishment and enforcement of orders of paternity and support, and (2) other personnel such as legal, interviewer, investigative, accounting, clerical, and other supportive staff.

V RESPONSIBILITIES

THE DEPARTMENT OF BENEFIT PAYMENTS shall have the following responsibilities:

- (1) To ensure that the State Plan is in operation on a statewide basis in accordance with equitable standards that are mandatory throughout the state, and to ensure that the Plan is continuously in operation in all political subdivisions of the state and in all appropriate agencies;
- (2) To develop and utilize methods for informing staff of state policies, standards, procedures and instructions;

- (3) To conduct regular planned examination and evaluation of operations in local offices by regularly assigned state staff, including regular visits by such staff; and through reports, controls, or other necessary methods;
- (4) To ensure that the State Plan is amended whenever necessary to reflect new or revised federal statutes or regulations; or material change in any phase of state law, organization, policy or state or local agency operation;
- (5) To assist district attorneys in claiming incentive payments and federal matching funds; and
- (6) To allocate and distribute incentive payments among jurisdictions as may be required where more than one jurisdiction within the state, or where more than one state, is involved in the enforcement of collection.

THE DISTRICT ATTORNEY shall have the following responsibilities:

- (1) To utilize appropriate state statutes and legal processes in establishing the obligation of support for a child born out of wedlock or deserted or abandoned by a parent or parents, and to review the support obligation periodically and whenever the district attorney becomes aware of changes in the factors which determine the amount of the support obligation;

(2) To secure support for a child born out of wedlock or deserted or abandoned by a parent or parents, from such parent or parents or from any other legally liable person;

(3) To maintain an effective system, with respect to all cases in which the obligation to support and the amount of the obligation have been established, for identifying, within 30 days, those cases in which there is a failure to comply with the support obligation and to contact such delinquent individuals as soon as possible in order to enforce the obligation and obtain the current support and any arrearages. Such attempts to collect support shall include the instruction of the following procedures as applicable and necessary:

- (a) Contempt proceedings to enforce an extant court order,
- (b) Garnishment proceedings, if the individual can be brought under the jurisdiction of the state courts,
- (c) Proceedings to attach real or personal property if the individual is subject to such procedure,
- (d) Applications to utilize the courts of the United States to effect enforcement of an order for support,
- (e) Applications for collection of the delinquent child support obligation by the Secretary of the Treasury,
- (f) Execution of an agreement with the non-custodial parent for the entry of a judgment for periodic child support payments, and
- (g) Any other appropriate enforcement procedures.

(4) To undertake efforts which will lead to the legal determination of paternity for a child born out of wedlock. Such efforts shall include the securing of a court order of paternity or the execution of an agreement with the putative father for the entry of a judgment determining paternity, and the investigation and development of evidence through the use of pre-trial depositions, polygraph tests, and blood tests when necessary.

(5) To use prosecutorial discretion in deciding whether to establish paternity in any case involving incest or forcible rape, or in any case in which legal proceedings for adoption are pending. Such discretion shall be exercised with the best interests of the child in mind.

(6) To utilize reciprocal arrangements adopted with other states; and to assist other states in locating an absent parent, establishing paternity, or securing support for a child in the other state. Such assistance shall include the following:

- (a) When necessary, locate the putative father or absent parent utilizing available sources of location information,
- (b) When necessary establish paternity or assist the other state in establishing paternity,

- (c) Process and enforce all court orders referred by another state, whether pursuant to the Uniform Reciprocal Enforcement of Support Act or other legal processes, utilizing the same remedies normally applied to cases from the local jurisdiction,
 - (d) Collect any support payments from the absent parent and forward them to the Department of Benefit Payments for transmission to the state to whom they are owed, and
 - (e) Inform the state which initiated the action of the status of the case periodically and on request.
- (7) To refer cases for securing support to the appropriate agency of another state when necessary, and to provide such agency of the other state sufficient information to act on the case, including but not limited to the following:
- (a) Whether the case involves a recipient of public assistance,
 - (b) The amount of the assistance payment, if any,
 - (c) Notice of any termination of eligibility for assistance, and
 - (d) Any other information as may be prescribed.
- (8) To provide sufficient information, when referring cases which require location activities to other states, to assist the agency receiving the request, such as the absent parents' social security account number and other identifying information to the extent it is available.

(9) To attempt to locate absent parents when their location is unknown.

Such location attempts shall include the following:

- (a) Use appropriate local locate sources such as officials and employees administering public assistance, general assistance, medical assistance food stamps and social services (whether such individuals are employed by the state or a political subdivision), relatives and friends of the absent parent, current or past employers, the local telephone company, the U.S. Postal Service, financial references, unions, fraternal organizations, and police, parole and probation records if appropriate.
- (b) Establish working relationships with all appropriate local agencies in order to utilize local locate resources effectively,
- (c) Use the California Parent Locator Service located in the Department of Justice, in accordance with instructions and guidelines promulgated by that agency,
- (d) Utilize all appropriate state and local sources within 60 days of referral of the case,
- (e) Transmit requests for information from the Federal Parent Locator Service to the California Parent Locator Service if a reasonable and delinquent state and local effort has failed to locate the absent parents, and
- (f) Refer cases to the appropriate agency of any other state if there is reasonable belief that the absent parent may be present in that state.

(10) To make reasonable efforts to collect amounts assigned pursuant to Welfare and Institutions Code Section 11477; and where such reasonable efforts have failed, to submit a request to the California Attorney General that the case be forwarded to the Treasury Department for collection. Such request shall be submitted only after the local collection mechanisms have failed to collect the amount of the delinquency and shall be submitted in the form and manner prescribed by the Secretary of Health, Education and Welfare.

(11) To submit a request to the California Attorney General for permission to utilize a United States District Court to enforce child support order of a court of competent jurisdiction against an absent parent who is present in another state when the state in which the absent parent is present has not undertaken to enforce such order against such parent within 60 days of the receipt of the request from the originating state, and when the District Attorney furnishes evidence to demonstrate that utilization of the United States District Court is the only reasonable method of enforcing such order. The request shall be submitted only after proper notice has been given to the appropriate agency in the other state of the intention to utilize the United States District Court, and shall be submitted in the form and manner prescribed by the Secretary of Health, Education and Welfare.

(12) To extend services for the collection of child support or the determination of paternity to any individual who makes application for such services, regardless of the welfare or non-welfare status of such individual. The District Attorney may take an assignment of support rights from an individual applying for paternity or child support services who is not a recipient of public assistance, but such an assignment shall not be a condition of receipt of such services.

(13) To establish a case record, which will contain all information pertaining to the case, immediately at the time the case is received in his office. Such case record will include all information necessary for the proper and efficient operation of the child support and paternity program, and will include, but not be limited to the following:

- (a) The referral document from the referring agency, or the application for services from non-referred cases,
- (b) A record of any contacts with applicants or recipients of assistance or any other individuals who have applied for services, the date and reason therefore, and the results of such contact,
- (c) A record of any contacts with the absent parents, the date and reason therefore, and the results of such contact,
- (d) A record of efforts to utilize local and state locate resources and the dates and the results of these efforts,

- (e) A record the court order or, if there is no court order, the calculation of the amount of the obligation,
- (f) A record of any actions taken to locate the absent parent, establish paternity, establish and enforce the support obligation, and the costs incurred in such actions,
- (g) A record of communications to and from other local, state and federal agencies involved in administering the child support and paternity program,
- (h) A record of the amount and sources of child support collections and the distribution of these collections,
- (i) A record of any fees charged or paid for child support enforcement services,
- (j) A record of any other administrative costs,
- (k) Any other information which may be required,
- (l) Statistical, fiscal and other records necessary for reporting and accountability required by the Secretary of Health, Education and Welfare, and
- (m) A notation in the case record of the closing of the case, the date thereof, and the reason for taking the action.

(14) To supersede all voluntary payment agreements with obligations which are established by an order of a court of competent jurisdiction or by an agreement, with the non-custodial parent, upon which a judgment shall be entered, according to the following schedule:

- (a) In the event of a breach of the agreement, such agreement shall be superseded as soon as possible,
- (b) Agreements which are not brached shall be superseded on the basis of one-third by January 1, 1976, two-thirds by July 1, 1976 and all by January 1, 1977.

(15) To enforce the child support obligation, with respect to a family which ceases to receive public assistnace, according to the following schedule:

- (a) At the request of the custodial parent the district attorney shall continue to enforce support payments from the non-custodial parent for a period not to exceed three months from the month in which such family ceased to receive assistance and pay all amounts so collected to the family; and
- (b) At the end of such three-month period, if after written notice to the individual, the district attorney is requested to do so by the individual on whose behalf the enforcement efforts will be made, continue to enforce such support payments from the non-custodial parent.

(16) To attempt to collect the amount of any unpaid support obligation that has accrued under an assignment made in favor of the county when a family ceases receiving public assistance, and such amounts shall be used to reimburse any amounts which have not been reimbursed.

(17) To give priority, with respect to efforts made on behalf of a family which has ceased to receive public assistance, to the collection of current support.

(18) To forward collections made on behalf of a foreign jurisdiction to that jurisdiction for accounting and disbursement as appropriate, and to include a five-digit code identifying the collecting county. Such code shall be as defined in the Federal Information Processing Standards Publication by the National Bureau of Standards.

(19) To investigate and prosecute fraud related to child support.

(20) To supply staff upon request to the county welfare department to participate in training welfare employees.

(21) To report to the county welfare department on a timely basis information which is necessary to the determination and redetermination of eligibility, the amount of assistance payments, and the continuing administration of the aid payment; and to supply prompt notice of instances

of non-cooperation by welfare applicants or recipients.

(22) To compile and maintain statistical information and data, and to submit such information and data to appropriate federal, state and county officials as may be required.

(23) To make records available for review or audit by authorized federal, state and county officials.

(24) To execute amendments to this Plan of Cooperation whenever necessary to reflect new or revised federal statutes or regulations; or material change in any phase of state law, organization, policy or state or local agency operation.

VI FISCAL ACCOUNTABILITY

THE DEPARTMENT OF BENEFIT PAYMENTS shall maintain an accounting system and supporting fiscal records adequate to assure that claims for federal funds are in accord with applicable federal requirements and shall retain such records as required by federal regulations. The Department shall also develop and have on file with the HEW Regional Office an approved statewide cost allocation plan which identifies and describes the methods and procedures the state has established for properly charging the costs of administration, services and training activities; and which includes

descriptions of functions and activities, estimated costs, the basis used for allocating the various pools of costs to programs and activities, and such other information as is necessary to document the cost allocation methods and procedures.

The Department shall also develop instructions, in accordance with applicable state and federal statutes and regulations, for the preparation and submission of cost allocation plans and claims for federal funds, and shall distribute such instructions to appropriate county agencies.

THE DISTRICT ATTORNEY shall maintain an accounting system and supporting fiscal records adequate to assure that claims for federal funds are in accord with applicable federal requirements and shall retain such records as required by federal regulation. The district attorney shall have a countywide cost allocation plan prepared which identifies and describes the methods and procedures the county has established for properly charging the costs of administration, services, and training activities, estimated costs, the basis used for allocating the various pools of costs to programs and activities, and such other information as is necessary to document the cost allocation methods and procedures. The countywide cost allocation plan and claims for federal funds shall be prepared and submitted, and shall contain the information and documentation specified in the instructions promulgated by the Department of Benefit Payments.

VII
TRAINING

Reasonable and essential short-term training of law enforcement officials assigned either full or part-time to child support and paternity activities in subjects unique to that functional area shall be undertaken as necessary. The reasonable and essential costs of such training shall qualify for reimbursement.

Dated: _____

District Attorney

Department of Benefit Payments

INTRA-COUNTY PLANS OF COOPERATION

If the District Attorney feels it would be in the best interest of the child support program to delegate specific duties to other county agencies, he may enter into cooperative agreements with such other agencies in order to accomplish this. These sub-agreements will be valid upon approval by the Department of Benefit Payments and will provide the basis for funding to these agencies. .

The Department of Benefit Payments will approve intra-county Plans of Cooperation which provide for delegation of the following activities:

- (a) Intake functions and activities associated with initial opening of the child support case, such as securing information regarding the absent parent and completing the WR 2.1 form, may be delegated to the County Welfare Department.
- (b) Collection functions, bookkeeping, and accounting for monies may be delegated to an appropriate county collection agency.
- (c) Supervision of P.C. 270 cases may be delegated to the County Probation Department.

All other activities involved in support enforcement such as investigation, working up the case, preparing the case for court and enforcement of court orders are considered specific responsibilities of the District Attorney.

The format of these sub-agreements should closely follow the Plan of Cooperation executed between the District Attorney and the Department of Benefit Payments. The responsibilities of each agency should be described with sufficient detail to give a program auditor a clear understanding of the functions being performed by the agencies involved, and the standards for staffing and performance to which these agencies will be held should be specified. The manner in which information is to be handled with regard to confidentiality and who will have access to such information must be described. Finally, any other areas of agreement such as preparation and submission of funding claims, statistical reporting, training and so on, should be stated.

County agencies which enter into intra-county Plans of Cooperation will receive federal matching funds at a rate of 75 per cent to offset their costs incurred in behalf of the child support program. Funding will be available as of the date these sub-agreements are approved by the Department of Benefit Payments.